

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**THOMAS MERCK, individually and as a
representative of the class,**

Plaintiff

v.

WALMART INC.,

Defendant.

CASE NO. 2:20-cv-02908-SDM-EPD

JOINT MOTION TO EXTEND BRIEFING SCHEDULES

Plaintiff Thomas Merck (“Plaintiff”) and Defendant Walmart Inc. (“Defendant”) (collectively the “Parties”) respectfully move the Court for an order extending briefing deadlines on Defendant’s Motion for Summary Judgment, Plaintiff’s Reply in Support of Motion for Class Certification, as well as the associated motions to seal materials related to Summary Judgment. In support of this joint Motion, the Parties state as follows:

1. On June 16, 2022, in response to the Parties’ Second Joint Motion to Extend Certain Deadlines related to Plaintiff’s Motion for Class Certification, the Court set Plaintiff’s Reply in Support for July 22, and related motions to seal for August 1, 2022. (ECF No. 72.)
2. On June 29, 2022, Defendant filed a Motion for Summary Judgment (ECF No. 75) to which Plaintiff’s response is currently due July 20, and Defendant’s reply on August 3.
3. To align Plaintiff’s briefing deadlines for his Reply in Support of Class Certification, and his response to the Motion for Summary Judgment, Plaintiff seeks an extension of both deadlines to August 5, 2022.
4. Defendant, in turn, seeks an additional week for its reply in support of summary

judgment, thus twenty-one days from Plaintiff's response, or August 26, 2022.

5. The Parties also jointly request that any motions to seal Confidential materials associated with any briefing on Defendant's Motion for Summary Judgment be filed seven (7) days after Defendant's reply, or September 2, 2022.

6. This motion is made jointly by the Parties, all of whom agree to the relief requested herein.

7. This motion is made for good cause shown and not for purposes of delay.

WHEREFORE the Parties jointly respectfully request that the Court extend certain existing deadlines as follows:

- a. The deadline for Plaintiff's Reply in Support of his Motion for Class Certification be extended from July 22, 2022 to August 5, 2022;
- b. The deadline for Plaintiff's Response to Defendant's Motion for Summary Judgment be extended from July 20, 2022 to August 5, 2022;
- c. The deadline for Defendant's Reply in Support of its Motion for Summary Judgment be extended to twenty-one days from Plaintiff's response, or August 26, 2022;
- d. The deadline for any motions to seal related to materials associated with any briefing on Defendant's Motion for Summary Judgment shall be filed within seven (7) days of Defendant's Reply in Support of Same, or September 2, 2022.

Dated: July 5, 2022

/s/Joseph C. Hashmall

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